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Paper No.

In re application of
Wolf-Georg Forssmann et al.
Serial No. 09/242,254
Filed: May 07, 1999
For: PROCESS FOR DETERMINING
THE STATUS OF AN ORGANISM
BY PEPTIDE MEASUREMENT

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, mailed August 25, 2004 for failure to pay the required issue fee in response to the Notice of Allowance, dated March 24, 2004. Applicants assert that the Notice was not received, since it was mailed to the incorrect address. (Note that attached hereto the petition is payment of the issue fee dated September 09, 2004)

DECISION

Since petitioner asserts that the Notice of Allowance was incorrectly mailed by the USPTO, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit.

The initially filed papers in the present case indicate that the proper address is to 20 North Wacker Drive, Chicago, IL. The Notice of Allowance was mailed to 201 North Wacker Drive, Chicago, IL. (Note the correspondence address has been changed within PTO records.) In addition petitioner submitted as evidence a copy of the appellant's docket report where the paper would have been entered had it been received as well as an affirmative statement that a search of the file jacket has been made and the paper has not been found.

Therefore, the Notice of Abandonment dated August 25, 2004 is hereby withdrawn. Hence, the case is returned to pending status. The application shall be returned for processing of the issue fee.

The Petition is **GRANTED**.

Jacqueline Stone, Director
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